

In the United States Court of Federal Claims

PHOENIX PRODUCTS,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

No. 24-1161

(Filed: August 26, 2024)

STANDING ORDER GOVERNING CASES BEFORE JUDGE CAROLYN N. LERNER

These Standing Chambers Rules apply to cases assigned to Judge Carolyn N. Lerner. References herein to “Parties” include counsel. Parties should familiarize themselves and comply with the following:

1. Local Rules

Absent a contrary order by the Court, the Parties shall comply with the Rules of the United States Court of Federal Claims (“RCFC”), which are available at: <https://www.uscfc.uscourts.gov/rules>.

2. Communications with Chambers

Parties may not contact Chambers by telephone except in case of emergency or when requested by the Court. Parties may contact Chambers at Lerner_Chambers@cfc.uscourts.gov regarding scheduling inquiries; all Parties should be copied on the email. Correspondence between Parties shall not be provided to Chambers except as specifically directed by the Court. Chambers staff will not provide legal advice of any kind or discuss the merits of any case.

3. Initial Scheduling Conference & Order

After Defendant files an Answer, the Court will order the Parties to meet and confer to discuss each of the matters set forth in RCFC Rule 16(c)(2) and to file a Joint Preliminary Status Report addressing all topics listed in that Rule. After receiving the Report, the Court will, if necessary, schedule an Initial Scheduling Conference. Following submission of the Joint Preliminary Status Report or following the Initial Scheduling Conference, the Court will issue a Scheduling Order that will govern proceedings in the case.

4. Amended Pleadings

Any amended pleadings shall be accompanied by a redline comparison of the original and amended pleading. This requirement does not apply to pleadings by pro se parties.

5. Proposed Orders

When Parties submit an unopposed motion on a procedural issue (i.e., Motions for Enlargements of Time, Motions to Amend the Schedule, or a Joint Status Report that proposes submitting a new report), they should submit a Proposed Order based on the Parties' request.

Proposed Orders submitted by an ECF user in an ECF case shall be filed in PDF format and attached to the electronically filed document to which they pertain. In addition, proposed orders shall be submitted in Word format to Lerner_Chambers@cfc.uscourts.gov.

Parties shall use the format and style imposed by the RCFCs and followed in this Standing Order: pages must be formatted with one-inch margins, and all text in the main body must be single-spaced and in twelve-point Times New Roman Font. The Proposed Order should be unsigned and include a heading with the Court title, a boxed case caption, case number, and proposed filing date. The Parties' accompanying motion should state that it is unopposed.

The requirement to submit Proposed Orders with motions does not apply to pro se parties.

6. Motions for Extension of Time

a. Generally

Motions for extension of time are discouraged. Any such motion should be filed at least three (3) business days prior to the deadline and conform with the requirements of RCFC Rule 6.1. Extensions or enlargements of time will only be granted upon motion and not upon stipulation of the Parties/Counsel.

b. Content

Motions for extension of time must include the following:

1. The date of the original deadline the motion is seeking to extend;
2. The number of previous extensions of time granted to each Party;
3. The good cause supporting the motion;
4. The effect, if any, that the granting of the motion will have on existing deadlines;
5. For requests seeking to extend the deadline of a motion, suggested deadlines (reached in consultation with the Opposing Party) for the filing of any memoranda in opposition and replies;

6. A statement fairly characterizing the Opposing Party's position on the motion, including any reasons given for refusing consent. *See* RCFC 6.1(b).

7. Discovery Disputes

Before involving the Court in a discovery dispute, the Parties shall make a good faith effort to resolve or narrow all areas of disagreement. If unable to resolve the dispute, Parties shall arrange for a telephonic, pre-motion to compel conference with the Court by contacting Chamber's staff at Lerner_Chambers@cfc.uscourts.gov. Not more than two (2) business days prior to a pre-motion to compel conference, the Parties shall jointly submit a letter of no more than five (5) pages summarizing the dispute to Lerner_Chambers@cfc.uscourts.gov.

IT IS SO ORDERED.

s/ Carolyn N. Lerner
CAROLYN N. LERNER
Judge